

Application No. 10/625,457
Amendment dated 15 May 2006
First Preliminary Amendment

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Docket No.: 20022-7001

REMARKS

Upon approval of the undersigned's request for entry of the present amendment canceling claims 1–30, amending claims 32–34, and adding new claims 35–38, claims 31–38 are presently pending. The Rejection asserts that claims 1–33 were originally pending; however the undersigned's records (including the Official Filing Receipt) reflect that the originally filed patent application included claims 1–34. Claim 34 has apparently not been examined or considered, the undersigned does not know its status. However, in an interest in expediting prosecution, the undersigned has amended claim 34 to more expressly recite tangible elements consistent with the rejection and response noted below.

35 USC Section 101

Claims 1–33 were rejected as being non-statutory – assertedly related solely to a manipulation of a data structure.

Claims 1–30: With respect to canceled claims 1–30, the rejection is moot.

Amended Claim 32 and dependent claim 33: With respect to amended claim 32, the amendment expressly recites operation of a computer system in addition to other recited limitations. Claim 33, dependent from claim 32 (as amended) incorporates all limitations from claim 32.

Original claim 31: Claim 31 recites tangible elements including a display, an I/O system, and a resource controller among other elements. Thus, this claim is not limited to simple manipulation of a data structure as asserted by the rejection.

Thus the rejection of claims 31–33 under 35 USC Section 101 is respectfully requested to be reconsidered and withdrawn.

35 USC Section 102(e): *Bakalash*

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Claims 1–33 were rejected under Section 102(e) as being anticipated by Bakalash.

Bakalash includes a discussion of a multivariable database structure, as well as certain disclosed implementations. Databases of the type shown in Bakalash may certainly be used when implementing the present invention, however the undersigned respectfully submits that the existence of such a database does not anticipate the presently claimed invention.

Claims 31–33

Claim 31–Claim 33 recite that the database stores a plurality of resources, each resource having a plurality of "... associated orthogonal resource material categories..." wherein the term material is specially defined in the application as filed. Namely, "Material is used as a noun, and used in the sense of defining the substance or substance from which the resource is made or can be made. An analysis from the resource alone derives the material of the resource." See, for example, page 8, lines 2–4.

The rejection does not explain how Bakalash satisfies this limitation. Periodically throughout Bakalash, reference is made to various whitepapers and other external resources explaining how one may configure the Bakalash database. The undersigned was unable to locate certain ones of these resources in efforts to investigate whether this limitation was satisfied. For example, some of the cited links that were tested were inoperable to produce the indicated paper or document. Thus much basis for teaching a configuration of the Bakalash databases is missing. The Bakalash reference itself does not indicate that the categories are material, and it is not all apparent that the identified categories from the Bakalash examples are "material" as used and taught in the present specification and as recited in the claims.

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The rejection of these claims 31–33 under 35 USC Section 102(e) is respectfully requested to be reconsidered and withdrawn.

Additionally, new claims 35–38 also include limitations directed to specific material category types. For example, subject, object, and context categories.

In the detailed comments regarding previously pending claim 4, the rejection asserts that Bakalash teaches orthogonal resource material categories including a subject category, an object category, and a context category (referencing [0123], [0061], and Figure 3C1. However, a review of these paragraphs does not support this rejection. There is nothing in the content of this section that teaches or suggests that the categories in Bakalash are subject, object, and context categories. The Bakalash reference does not expressly teach this and the rejection does not explain where any implicit teaching exists.

Therefore the undersigned respectfully requests reconsideration and withdrawal of the rejection of claims 31–33 under 35 USC Section 102(e).

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: 15 May 2006

Respectfully submitted,

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